



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

September 16, 2013

Gina M. Ecolino
Beveridge & Diamond, P.C.
1350 I Street, NW Suite 700
Washington, DC 20005
GEcolino@bdlaw.com

Re: Freedom of Information Act Request No.: EPA-HQ-2013-009317

Dear Ms. Ecolino:

This letter is in reference to your Freedom of Information Act (FOIA) request received by the U.S. Environmental Protection Agency on August 22, 2013, in which you requested documents since your previous request, HQ-FOIA-02158-11, dated December 16, 2011 "relating to petitions to cancel pesticide registrations or to deny pesticide applications under FIFRA 3(c)(1)(F)(iii) for failure 'to comply with the terms of an agreement . . . concerning [data] compensation.' This request includes copies of all such petitions and all EPA correspondence with the petitioners, applicants, and registrants related to such petitions." Your current request has been assigned tracking number EPA-HQ-2013-009317. In a conversation on September 18 with Steve Anderson of my staff, you expressed a preference for an electronic release in lieu of paper, so I am sending this via email.

The Office of General Counsel has concluded its search for records responsive to your request and is providing a portion of the requested records. Portions of the records you requested are being withheld pursuant to 5 U.S.C. § 552(b)(4) as confidential business information. I have determined that a portion of the records responsive to your request has been claimed confidential and may contain trade secrets or commercial or financial information which is exempt from disclosure under 5 U.S.C. § 552(b)(4). Pursuant to 40 C.F.R. § 2.204(d)(1), your request as to that portion is being initially denied because further inquiry by EPA is required before a final determination can be made. We will consult with the third party(ies) in connection with their business confidentiality claim(s) covering these records, and the General Law Office within the Office of General Counsel will issue a final confidentiality determination.

The two documents being withheld in their unsanitized versions but released in their sanitized versions are the "Petition to Cancel Glyphosate Herbicide Registrations of Libertas Now, Inc. (EPA Registration Numbers 81142-1, 81142-2, 81142-3, 81142-4 and 81142-6)" and the document containing

that petition's attachments. The sanitized versions of these two records are included in this release under the following filenames: "Petition to Cancel Glyphosate Regis-Libertas [sanitized].pdf" and "Petition to Cancel Glyphosate Regis-Libertas [sanitized].pdf."

The estimated cost to process your request was \$87.75. The Agency will follow up with a final invoice with billing and payment instructions.

As noted above, the information withheld under Exemption 4 will be sent to the appropriate legal office to issue a final confidentiality determination. Therefore, you do not need to appeal the information withheld pursuant to Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, you may appeal this partial denial response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA request number (EPA-HQ-2013-009317). For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions concerning this response, please contact Steve Anderson of my staff at 202-564-3137.

Sincerely,



Kevin McLean
Associate General Counsel
Pesticides and Toxic Substances Law Office
Office of General Counsel